

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

STEPHEN LEE CZAPLA, ) CASE NO. C08-0084-RSM-MAT  
Plaintiff, )  
v. ) ORDER DENYING PLAINTIFF'S  
OFFICER KELLEY, et al., ) REQUEST FOR APPOINTMENT OF  
Defendants. ) COUNSEL  
\_\_\_\_\_) )

This matter comes before the Court on plaintiff's request for appointment of counsel.

The Court, having reviewed plaintiff's request, and the balance of the record, does hereby find and ORDER:

(1) Plaintiff's request for appointment of counsel (Dkt. No. 32) is DENIED. There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding in forma pauperis, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional

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01 circumstances requires an evaluation of both the likelihood of success on the merits and the  
02 ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues  
03 involved. *Wilborn*, 789 F.2d at 1331.

04 Plaintiff has not demonstrated that he is unable to articulate his claims pro se.  
05 Moreover, as explained in this Court's Report and Recommendation, issued the same date as  
06 this Order, plaintiff has not demonstrated that his claims have any merit. Thus, plaintiff has  
07 not demonstrated that this case involves exceptional circumstances which warrant appointment  
08 of counsel.

09 (2) The Clerk shall send copies of this Order to plaintiff, to counsel for defendants,  
10 and to the Honorable Ricardo S. Martinez.

11 DATED this 3rd day of April, 2009.

12  
13 s/ Mary Alice Theiler  
United States Magistrate Judge